ected therewith, while said train or coach or estibules are in passenger service in this State.

rovided, however, That nothing in this Act shall
e so construed as to prevent the use of liquors
sed as a medicine in case of actual sickness.

Sec. 2. Any person violating the provisions of
section 1 of this Act shall be deemed guilty of a
nisdemeanor, and upon conviction thereof shall
be fined in a sum not exceeding one hunded dol-

be fined in a sum not exceeding one hunded dol-lars or by imprisonment in the county jail not more than six months. Approved June 7, 1909.

CHAPTER 5897-(NO. 28).

AN ACT to Amend Section 1523, of the General Statutes of Florida, in Reference to Evidence Given Upon a Former Trial and Use of Former Bills of Exceptions.

Be it Enacted by the Legislature of the State of

Section 1. That Section 1523, of the General Statutes of Florida, in reference to use of former bills of exceptions be, and the same is amended so as to read as follows, to-wit:

1523—Use of Former Bills of Exceptions.—In any judgment at law rendered by any court

case any judgment at law rendered by any court of the State of Florida shall be reversed and a new trial awarded, and it be made to appear to the sat-isfaction of the Court that any evidence used at the former trial, whether oral or written, and incorporated in the bill of exceptions, can not be had, then the bill of exceptions taken at the previous trial may be used as evidence upon any subsequent trail of the case, as to any matter in issue at the former trial; Provided, That no evidence given upon a former trial of any matter in issue at the former trial; Provided, That no evidence given upon a former trial of any case pending in any of the courts of the State of Florida shall be used in evidence upon the trial of any cause in any of the courts in the State of Florida, except as herein provided

Sec. 2. This Act shall take effect from the date of its approval by the Governor, Approved June 3, 1909.

CHAPTER 5898-(NO. 29).

AN ACT to Provide for the Reinstatement on the Docket of the Supreme Court of Any Case Dismissed on Account of a Defective Certificate.

Be it Enacted by the Legislature of the State of Section 1. That whenever any case has been taken to the Supreme Court of the State of Florida

either by appeal in chancery or writ of error, and the same is dismissed from the docket of said Supreme Court on account of a defective certificate of the Clerk of the Circuit Court to the transscript of the record, the same shall be reinstated upon the said docket upon motion, if made within thirty days from date of notice of such dismissal accompanied by a proper certificate to be affixed to such transcript of the record.

Sec. 2. All laws and parts of laws in conflict with the provisions of Section 1 of this Act are pereby repealed. Sec. 3. This Act shall take effect immediately on its approval by the Governor. Approved June 7, 1909.

CHAPTER 5899-(NO. 30).

AN ACT Requiring the Clerk of the Supreme Court of the State of Florida, in All Cases in the Supreme Court Where the Judgment or Decree Shall be Reversed or Modified, and in Which the Supreme Court Writes an Opinion, to Send to the Clerk of the Circuit Court of the County from Which Such Cases are Appealed or Writ of Error Taken, a Correct Copy of Such Opinion of the Supreme Court.

Be it Enacted by the Legislature of the State of Florida:

Section 1. It shall be the duty of the Clerk of the Supreme Court of the State of Florida, in all cases in the Supreme Court wherein the judgment or decree of the lower court shall be reversed or modified, and in which the Judges of the Supreme Court shall write an opinion, to send down along with the mandate of the Supreme to the Clerk of the Circuit Court of the county from which such case is appealed or writ of error taken, a correct copy of the opinion of said Supreme Court. It shall be the duty of the Clerk of the Circuit Court cases in which any stock in a corporation, con-

Approved June 8, 1909.

CHAPTER 5900-(NO. 31).

AN ACT to Amend Section 1586 of the General Statutes of the State of Florida, as Amended by Chapter 5647, of the Acts of 1907, the Same Being Relative to the Pay of Jurors Be it Enacted by the Legislature of the State of

Section 1. That Section 1586, of the General Statutes of Florida, as amended by the Acts of the Legislature of 1907 be, and the same is hereby

amended so as to read as follows: Section 1586-Pay of Jurors:-Grand and petit jurors of the regular panel and jurors summoned to complete a jury after the regular panel is exbausted, in the Circuit Courts, Criminal Courts of Record and County Courts, of this State, shall receive for each day of active attendance upon the Court, two dollars (\$2.00). Jurors summoned to the courts aforesaid to complete a jury after the regular panel is exhausted and who are not accepted and not required to serve on the jury shall receive compensation of two dollars (\$2.00) per day and all fractional parts of a day shall be counted as a day; jurors in the courts of County Judges and Justices of the Peace, and jurors summoned upon inquest of the dead shall be paid one dollar (\$1.00) per day for each day they serve on In addition to the compensation above provided all jurors shall receive five (5) cents per mile for every mile necessarily traveled in going to and returning from Court by the nearest practi-Jurors who attend on any of the cable route. days of the term when the Presiding Judge is absent, or being present, does not hold the session of the Court, shall be entitled to receive the same compensation as if the Court were in session.

Sec. 2. That all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Sec. 3. This Act shall become operative upon its passage and approval by the Governor. Approved May 18, 1909.

## CHAPTER 5901-(NO. 32).

AN ACT to Amend Section 1577, Chapter 16, of the General Statutes of the State of Florida, Relating to the Drawing of Juries for the Second and Succeeding Weeks of Circuit Courts. Be it Enacted by the Legislature of the State of

Sec. 1. That Section 1577, Chapter 16, of the General Statutes of the State of Florida, relating to the drawing of juries for the second and suc-ceeding weeks of Circuit Courts be, and the same

is hereby, amended so as to read as follows; Weeks. -In any counties where the Circuit Court is continued and held for more than one week, the Judge thereof may each week draw, in the manner prescribed in Section 1575, the names of eighteen (18) persons to serve as petit jurors for the succeeding weeks as long as the said Court shall remain in session. The Judge shall have power to hold any juror over beyond the end of the week for which he was drawn, if such juror is engaged in the trial of a case in which no verdict has been rendered. No person shall be drawn to serve on a

petit jury more than once during the same calen-Sec. 2. All laws and parts of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall take effect immediately upon its passage and approval by the Governor. Approved May 29, 1909.

# CHAPTER 5902-(NO. 33).

AN ACT to Amend Section 1492, of the General Statutes of the State of Florida, Relating to the

Challenge of Jurors. Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 1492, of the General Statutes of the State of Florida be amended so as

to read as follows: Section 1492. Challenge of Jurors.—Sec. 1.

Peremptory.—On the trial of any civil cause in any court each party shall be entitled to three per-

emptory challenges of jurors empaneled in said Sec. 2. For cause. - The Court shall, on motion of each party in any suit, examine on oath any person who is called as a juror therein to know whether he is related to either party, or to the attorney of either party within the third degree or has any interest in the cause, or has expressed or formed any opinion, or is sensible of any bias or prejudice therein; or is an employee or has been an employee of either party to the cause of action within thirty days previous to the trial thereof, and the party objecting to the juror may intro-

duce any other competent evidence in support of

the objection; and if it shall appear to the Court that the juror does not stand indifferent to the cause, or is otherwise incompetent, another shall be called in his stead for the trial of that cause. It shall be It shall be grounds of challenge for cause if any person called as a juror has served as a juror at any other term within one year, and when the nature of any case, civil or criminal, requires a knowledge of reading, writing and arithmetic, or either, to enable a juror to understand the evi-dence to be offered on the trial, it shall be cause of challenge if he does not possess such qualifications, to be determined by the Judge presiding at the

Sec. 3. This Act shall take effect upon its passage and approval by the Governor.

Approved June 8, 1909.

CHAPTER 5903-(NO. 34). AN ACT to Provide for the Appointment of Act-

ing Prosecuting Attorneys, and to Provide for the Compensation Thereof. Be it Enacted by the Legislature of the State of

Section 1. That from and after the passage of this Act, when any Prosecuting Attorney of any County Court in the State of Florida is sick and unable to perform the duties of such Prosecuting Attorney, or is disqualified to perform such duties by reason of being formerly employed in the de-fense of any person charged with a violation of the law within the jurisdiction of such court, or is absent from the county wherein such County Court is or may be established, the Judge of the County Court shall appoint a competent attorney, admitted to practice in such court, to be Acting Prosecuting Attorney of such court during the absense or the disability of the Prosecuting Attorney. Such Acting Prosecuting Attorney shall have and exercise all the duties and powers of the Prosecuting Attorney during such appointment. The powers and duties of an Acting Prosecuting Attorney shall cease as soon as the disability of the Prosecution Attorney shall cease as soon as the disability of the Prosecuting Attorney ceases or as soon as the Prosecuting Attorney returns to the county of which he is Prosecuting Attorney.

Sec. 2. Acting Prosecuting Attorneys appointed under the provisions of Section r of this Act shall receive the same compensation for the service and time of performing the duties of the Prosecuting Attorney as is paid to Prosecuting Attorneys, and Prosecuting Attorneys shall receive no compensation for service or time in which the duties of the office are performed by Acting Prosecuting Attorneys. Acting Presecuting Attorneys shall sign all papers as

Acting Prosecuting Attorney."
Sec. 3. This Act shall take effect immediately upon its passage and approval by the Governor.
Approved May 19, 1909.

CHAPTER 5904-(NO. 35).

AN ACT Providing for the Confirmation by the Judge Granting the Order to Sell Real Estate Belonging to Infants. Be it Enacted by the Legislature of the State of Florida:

Section 1 That from and after the passage of this Act, in all cases where orders have heretofore been made or shall hereafter be made by any court in this State authorizing guardians to sell the real estate of their infants wards, where the sale has not yet been made, a report of such sale shall be made to the court granting the order of sale, for confirmation, and if the same shall be confirmed by the Court, the sale shall be binding, but if not nfirmed the sale shall be of no effect.

Sec. 2. All Acts or parts of Acts in conflict with this Act be, and the same are hereby, repealed. Approved May 22, 1909.

CHAPTER 5905-(NO. 36).

AN ACT to Amend Section 3101, Chapter 3, of the General Statutes of the State of Florida, Relating to the Sale of Collateral Securities. Be it Enacted by the Legislature of the State of

Section 1. That Section 3101, Chapter 3, of the General Statutes of the State of Florida

cases in which any stock in a corporation, conto file such copy in the records and files of the case.

same to become a part thereof.

Sec. 2. This Act shall take effect immediately upon its approval by the Governor.

cases in which any stock in a corporation, contract, obligation, security or evidence of indebtedness, shall be pledged or deposited as security for the payment of any indebtedness, the person or corporation to whom the same may be pledged. hypothecated or transferred, and their assigns, shall have the power to sell the same in such manner and on such terms as may be agreed upon in writing by the parties at the time of making the pledge, and such sale shall vest in the purchaser or purchasers the title in and to said pledges, collaterals or securities, Provided, Ten days' notice of said sale be given to the party pledging the

> Sec. 2. This Act shall go into effect when passed and approved by the Governor, Approved May 29, 1909.

## CHAPTER 5906-(NO. 37).

AN ACT to Amend Section 2150, of the General Statutes of the State of Florida, Relating to the Release of Garnishee Upon Application of De-

Be it Enacted by the Legislature of the State of Florida: Section 1. That Section 2150, of the General Statutes of the State of Florida, relating to the release of garnishee upon application of the defendant, be, and the same is hereby, amended so as

to read as follows: 2150-Release of Garnishee Upon Application of Defendant .- If the defendant, after the filing o affidavit for garnishment by the plaintiff, shall execute and file in the court a bond to be approved by the Clerk, or by the Court if it has no Clerk, payble to the plaintiff in the sum double the amoun which the plaintiff states in his affidavit for garnishment that he expects to recover in said suit, with two good and sufficient sureties conditioned to pay to the plaintiff such sum, with interest and cost, as he may recover in the suit, the Court shall enter an order discharging the garnishee. Or if the garnishee shall admit indebtedness to the defendant in excess of a sum sufficient to satisfy plaintiff's claim, the Court shall, on motion of de fendant and notice to the plaintiff, release the garnishee from responsibility to the plaintiff for any indebtedness to the defendant in excess of a sum deemed by the Court sufficient to satisfy the plaintiff's claim, with interest and cost.

Approved June 4, 1909. CHAPTER 5907-(NO. 38).

AN ACT to Prescribe the Punishment for Kidnapping a Child Under the Age of Fifteen Years, to be Held for a Ransom.

Be it Enacted by the Legislature of the State of Florida: Section 1. Whoever without lawful authority

forcibly or secretly confines, imprisons, inveigles or kidnaps any child under the age of fifteen years. with intent to hold such child for a ransom to be paid for the release of such child, or any person or persons who aids, abets or in any manner assists such person or persons in such imprisoning, confining, inveigling or kidnapping such child under the age of fifteen years, shall be deemed guilty of kidnapping a child under the age of fifteen years and shall be punished by imprisonment in the State Prison for life. Sec. 2. All laws or parts of laws in conflict with

Section 1, of this Act, are hereby repealed.
Approved June 4, 1909.

# CHAPTER 5908-(NO. 39).

AN ACT to Amend Section 624 of the General Statutes of the State of Florida, the Same Being Relative to the Right of Homestead.

Be it Enacted by the Legislature of the State of Florida: Section 1. That Section 624 of the General Statutes of the State of Florida be amended so as

to read as follows:
Section 624—Homestead.—Any person being the head of a family or twenty-one years of age, and a citizen of this State, shall be entitled to purchase eighty acres or less quantity of any land of the Internal Improvement Fund donated to the State by the Act of Congress of September 28th. 1850, for the price of twenty-five cents per acre as provided in the two sections next following; Provided, however, That the provisions of this Section shall not apply to any lands in the Drainage district now created, or which may hereafter be

created Sec. 2. That this Act shall become operative immediately upon its passage and approval by the Governor. Approved June 5, 1909.

CHAPTER 5909-(NO. 40).

AN ACT to Make it Unlawful for any Maie Person to Have Carnal Intercourse With Any Unmar-ried Female, Who is at the Time, an Idiot, Lunatic or Imbecile; and to Provide a Penalty

for the Violation of This Act.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That any male person who has carnal intercourse with an unmarried female, with or without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent, who is at the time an idiot, without her consent who has carnal to the Retollit Centon, during such time as sufficient amount out of any funds in the Treasury to pay said sums.

Sec. 3. That this Act shall take effect immediately upon its, passage and approval by the Gov-

lunatic or imbecile, shall be deemed guilty of lony, and, on conviction, shall be pun imprisonment in the State prison, at hard labor, for not exceeding ten years, in the discretion of the Court.

Approved June 7, 1909.

CHAPTER 5910-(NO. 41).

AN ACT Providing That in Certain Suits Non-Resident Infants Who are Proper Parties De-fendant May be Served with Process by Publi-Be it Enacted by the Legislature of the State of

Section 1. That in any suit for partition of real property situate in this State and in any other suit concerning the title to, possession of, or any interest in any real property situate in this State, in which suit any non-resident infant may have such an interest as to make him a proper party, service of process in such suit may be perfected upon such non-resident infant by publication in the same manner provided by law for perfecting service upon other non-resident defendants to such suits, and upon proof of such service upon such non-resident infant the Court having jurisdiction of the subject matter of the suit may appoint a guardian ad litem for such non-resident infant, in the same manner provided by law in cases where there has been personal service. Sec. 2. All laws and parts of laws in conflict

herewith are hereby repealed.

Sec. 3. This Act shall take effect immediately upon approval by the Governor. Approved June 8, 1909.

CHAPTER 5911-(NO. 42).

AN ACT to Amend Section 2295 of the General Statutes of the State of Florida, Relating to Rules of Descent as to Real Estate and Personal Estate.

Be it Enacted by the Legislature of the State of Section 1. That Section 2295, of the General Statutes of the State of Florida be amended to

read as follows: Whenever any person having title to real estate of inheritance shall die intestate as to such estate, it shall descend in parcenary to the male and female kindred, in the following course, that is to

To the children or their descendants and the husband, if the decedent be a married woman and the husband survive her.

If there be no children or their descendants, and the decedent be a married woman and her husband survive her, all the property, real and personal, shall go to the husband; and if there be no children or their descendants and the decedent be a married man and his wife survive him, all his property, real and personal, shall go to the wife.

If there be no children and no husband or wife, then to the father and mother or the survivor in equal parts. If there be no father and mother, then to the

brothers and sisters, and their descendants, or such of them as may be. If there be no brother nor sister, nor their descendants, the inheritance shall be divided into moieties, one of which shall go to the paternal and the other maternal kindred in the following

course, viz.: First to the grandfather. If there be no grandfather, then to the grandmother, uncles and aunts on the same side or their descendants, or such of them as there may be.

their descendants, then to the great-grandfathers or great-grandfather, if there be but one. If there be no great-grandfather, then to the great-grandmothers or great-grandmother, if there be but one, and the brothers and sisters of the grandfathers and grandmothers and their descendants, or such of them as there be.

If there be no grandmother, uncle or aunt, nor

And so in other cases without end, passi the nearest lineal male ancestors, and for the want of them to the lineal female ancestors, in the same degree and the descendants of such male and female ancestors, or to such of them as there may

Approved June 7, 1909.

CHAPTER 5912 (NO. 43).

AN ACT Requiring the Judges of the Several Courts of the State of Florida, to State in Writing, on Ruling on a Demurrer or Motion, Which Grounds of the Demurrer or Motion Are Sustained as Good Law and Which Grounds of the Demurrer or Motion are Overruled Be it Enacted by the Legislature of the State of

Section 1. That the Judges of the several courts of the State of Florida, before whom are argued demurrers and motions on any pleading in their several courts, shall briefly state in writing which grounds of the demurrer or motion are sustained and which grounds of the demurrer or motion are overruled Sec. 2. This Act shall go into effect on the first

day of July, 1909, after its passage. Approved June 8, 1909. CHAPTER 5913-(NO. 44).

AN ACT to Provide for Service by Publication Upon Non-Resident Parties in Interest in Property Involved in Suits for Specific Performance of Contracts to Convey and for Decrees and Other Proceedings After Such Service.

Be it Enacted by the Legislature of the State of

Section 1. That in all cases brought in the hancery side of the courts of this State, for the specific performance of contracts to convey or exchange real estate, the complainant or complain-ants, may, where the defendant or defendants are non-residents of the State of Florida, obtain service on such non-resident defendant or defendants, by publication, as is provided for in other

chancery causes.

Sec. 2. That decrees pro confesso can be entered as in other cases of service by publication. Final decrees entered upon decrees pro confesso when there has been no appearance by such nonresident defendant or defendants in interest shall be conclusive on such parties and persons deriving through them from the date of rendition unless appealed from in due course of law, and for the purpose of carrying out final decrees when such decrees shall provide for the making and executing of deeds and other conveyances, the Court shall, in its decree, appoint a special master to make, execute and deliver such deeds and conveyances as are provided for by said decree.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall take effect immediately upon its becoming a law. Approved June 8, 1909.

## CHAPTER 5914-(NO. 45).

AN ACT Relating to the Recording of Decrees and Orders in Chancery in This State. Be it Enacted by the Legislature of the State of

Section 1. That wherever any order or decree in chancery required to be signed by the Judge of the Circuit Court shall have been heretofore entered in the Chancery Order Book instead of upon the minutes of the Court, every such order and decree shall be, and is hereby declared to be, of the same force and effect, from the date of entry in such Chancery Order Book, as if the same had been at such time entered in the minutes of the Court: Provided, however, That nothing herein shall effect creditors or subsequent purchasers for

value without notice. Approved June 8, 1909.

## CHAPTER 5915-(NO. 46).

AN ACT Amending Sections 2, 3, 5 and 8, of Chapter 5388, Acts of 1905, entitled "An Act Defining the Manner and Causes of Commitment of Minors to the Florida State Reform School, at Marianna; Defining Who Shall be Committed, and for What Time, and Upon What Committed and Inc. 19 an What Conditions; Regulating the Discipl Providing for Proper Management of Said Reform School, and Appropriating Money for Said Institution," Approved June 5, 1905. Be it Enacted by the Legislature of the State of

Section 1. That Section 2 of an Act defining the manner and causes of commitment of minors to the Florida Reform School, at Marianna; defining

who shall be committed and for what time and upon what conditions; regulating the discipline, providing for the proper management of said Reform School, and appropriating money for the benefit of said institution, approved June 5, 1905. be amended to read as follows:

Sec. 2. When any child under the age of ghteen years shall be sentenced by any court of competent jurisdiction to imprisonment in any county jail, or to the State's prison, it shall be lawful for the Pardoning Board, upon the application of such child, his parents or guardian, or other persons, to commute the punishment by substituting therefor the commitment of such child to the Reform School, during such time as

cape therefrom, it shall be in the power of the Pardoning Board to revoke said commutation, and to remand him to the State's prison or jail whence he came, to serve out his unexpired term.

Sec. 2. That Section 3 of said Act be amended

to read as follows: Sec. 3. Every child convicted and sent to said Reform School shall there be kept, disciplined, instructed, employed and governed, under the direction of the Board of Managers, during the time for which he is committed, unless he is sooner discharged as reformed, or remanded to prison under the sentence of the court as incorrigible upon information of the Board of Managers as hereinafter provided.

Sec. 3. That Section 5 be amended to read as Sec. 5. All commitment of children shall be during the time named in the alternative sentence, unless sooner discharged by the Board of Man-

agers as herein provided, and when a child is discharged therefrom at the expiration of his term, it shall be a full and complete release from all penalties and disabilities created by his sentence. Sec. 4. That Section 8 of said Act be amended

to read as follows: Sec. 8. A Judge committing a child to the Reform School shall make out and sign a commitment substantially in the following form, which shall be certified by the Clerk under the seal of the

a resident of said county, was on the complaint of the undersigned Judge of the ....... Court, and upon due proof, I do find that said....

is a suitable person to be committed to the Florida Reform School. Wherefore, it is hereby ordered that the said hereby, committed to said institution for the period of ..... or until he is legally dis-

The alternative sentence is . . . . .

Witness my hand this . . . . . day of

Provided, That no commitments shall be void for failure to comply with this provision.

Approved June 8, 1909

CHAPTER 5916-(NO. 47). AN ACT to Prescribe the Time for Holding the

Terms of the Circuit Court in and for the Eighth Judicial Circuit of the State of Florida, and to repeal Chapter 5642, Acts of 1907, Approved May 27th, 1907, and Section 1812, of the General Statutes of the State of Florida, Relative to the Time of Holding Terms of the Circuit Court in the Eighth Judicial Circuit. Be it Enacted by the Legislature of the State of

Florida: Section 1. That the time for the holding of the terms of the Circuit Court in and for the Eighth Judicial Circuit shall be as hereinafter fixed. There shall be two regular terms of the said Court held in each county of said Eighth Circuit each year, to be known as the Spring Term and Fall Term.

Sec. 2. The Spring Term of the Circuit Court for the Eighth Judicial Circuit shall commence in the County of Levy on the third Monday in March; in the County of Baker on the first Monday in April; in the County of Putnam on the second Monday in April; in the County of Bradford on the fourth Monday in April, and in the County of Alachua on the second Monday in May.

The Fall Term of said Court shall commence in the County of Levy on the third Monday in September; in the County of Baker on the first Mon-day in October; in the County of Putnam on the second Monday in October; in the County of Bradford on the fourth Monday in October, and in the against the defendant for the amount claimed by County of Alachua on the second Monday in November Sec. 3. That Chapter 5642, Acts of 1907, Laws

of Florida, approved May 27th, 1907, and Section 1812, of the General Statutes of the State of Florda, relative to the time of holding the Spring and Fall Terms of the Circuit Court in and for the Eighth Judicial Circuit of the State of Florida, insofar as the same are in conflict with the provi-sions of this Act, be and the same are hereby repealed.

Approved May 17, 1909.

CHAPTER 5917-(NO. 48). AN ACT to Prescribe the Time for Holding the

Judicial Circuit of the State of Florida, Be it Enacted by the Legislature of the State of Section 1. That from and after the passage of

this Act the time for holding the terms of the Circuit Court in and for the Fifth Judicial Circuit shall be as hereinafter fixed. There shall be two regu'ar terms of said court held in each county of said circuit each year; to be known as the Spring Term and the Fall Term.

Sec. 2. The Spring Term of said Court shall commence in the county of Lake on the second Monday in March; in the County of Sumter on the fourth Monday in March; in the County of Citrus on the second Monday in April; in the County of Hernando on the fourth Monday in April; and in the County of Marion on the second Monday in May. The Fall Term of said Court shall commence in

the County of Lake on the second Monday in October; in the County of Sumter on the fourth Monday in October; in the County of Citrus on the second Monday in November; in the County of Hernando on the fourth Monday in November; and in the County of Marion on the second Monday in December.

Sec. 3. All laws and parts of laws in conflict herewith be, and the same are hereby repealed. Sec. 4. This Act shall become a law immediately on its final passage and approval by the Governor. Approved June 8, 1909.

CHAPTER 5918-(NO. 49). AN ACT to Amend Chapter 5645 of the Acts of the Legislature of the State of Florida of 1907. Relating to the Time of Holding the Circuit Court of the Third Judicial Circuit of the State

of Florida. Be it Enacted by the Legislature of the State of Section 1 That Section 1, of Chapter 5645 of the Acts of the Legislature of 1907 be, and the same is hereby amended to read as follows:

1. Third Judicial Circuit. SPRING TERM. Hamilton, fourth Monday in January Taylor, fourth Monday in March. Madison, second Monday in April. Columbia, fourth Monday in April. Suwannee, second Monday in May. Lafayette, Tuesday after fourth Monday in May FALL TERM

Hamilton fourth Monday in July. Taylor, fourth Monday in September. Madison, second Monday in October. Columbia, fourth Monday in October. Suwannee, second Monday in November Lafayette, first Tuesday after fourth Monday

in November Sec. 2. All laws and parts of laws in conflict with the provisions of this Act be, and the same

sec. 3. This Act shall take effect upon its passage and approval by the Governor.

Approved June 8, 1909.

CHAPTER 5919-(NO. 50).

AN ACT to Provide for Clerica! Aid for the Judge of the Sixth Judicial Circuit, and Fixing the Pay

Whereas, By reason of the great increase of population in the counties composing the Sixth Judicial Circuit, and the consequent increase of litigation, the Judge of said Circuit is doing work which should be divided between at least two Judges: and

Whereas, Owing to the increased cost of living, the Judge cannot afford to pay for clerical work out of his salary; and the employment of clerical aid would not only relieve him of a large part of his burden, but would enable him to accomplish much more work in the same length of time; there-

Be it Enacted by the Legislature of the State of

to be paid quarterly by the Comptroller upon the requisition of the Judge. Sec. 2. That there is hereby appropriated a sufficient amount out of any funds in the Treasury by the court

ernor, or upon its becoming a law without his approval Sec. 4. That this Act shall continue in force until the salary of said Circuit Judge shall be increased by Constitutional amendment, or other-

Approved June 7, 1909.

CHAPTER 5920-(NO. 51).

AN ACT Prescribing Punshiment for the Commission of Misdemeanors in this State, when not Otherwise Provided by Statute. Be it Enacted by the Legislature of the State of

Section 1. The punishment for commission of misdemeanors in this State, when not otherwise provided by Statute, shall be a fine not exceeding two hundred dollars or imprisonment not exceed-ing ninety days, or both, at the discretion of the

Sec. 2. This Act shall take effect immediately upon its passage and approval by the Governor. Approved June 4, 1909.

#### CHAPTER 5921-(NO. 52).

AN ACT to Amend Section 3542 of the General Statutes, State of Florida, Relating to Open Profanity.

Be it Enacted by the Legislature of the State of Florida:

Section 1. That Section 3542 (2622) of the General Statutes of the State of Florida be, and the same is hereby amended to read as follows: Sec. 3542—Offensive Speech.—Whoever, having arrived at the age of discretion, or uses profane, vulgar and indecent language, in any public place; or upon the private premises of another, or so near thereto as to be heard by another, shall be punished by fine not exceeding twenty-five dolars, or by imprisonment not exceeding sixty days; but no prosecution for any such offense shall be

sion thereof. Sec. 2. All laws and parts of laws in conflict with this Act are hereby repealed. Sec. 3. This Act shall take effect immediately upon its passage and approval by the Governor.

commenced after twenty days from the commis-

Approved June 7, 1909.

CHAPTER 5922 (NO. 53). AN ACT to Prescribe Rules of Practice in Civil Cases in the Justice of Peace Courts in the State of Florida.

Be it Enacted by the Legislature of the State of Florida: Section 1. That from and after the passage of this Act the first Monday and the third Monday in each month shall be rule days in the several Justice of the Peace Courts in the State of Florida. Sec. 2. That in all civil actions of which Justice of the Peace Courts have jurisdiction, where the claim of plaintiff is for goods sold, work and material, money lent, money paid, money re-ceived, accounts stated and for the hire of goods or property, such action shall be commenced by the claimant filing, with the Justice of the Peace having jurisdiction of the matter in controversy,

an itemized statement in writing of his clai against the defendant, verified by affidavit. Sec. 3. That upon filing such itemized statement the Justice of the Peace shall issue summons ad respondendum to the defendant, returnable as like process is returnable under the laws governing

the practice in other courts. Sec. 4. The defendant shall file his appearance in person or by attorney upon the rule day named in the summons should service of the same have been made ten days prior to said rule day; otherwise, the defendant shall have until next rule day thereafter in which to file his appearance; and should the defendant not file his appearance in the said court on or before the rule day succeeding the rule day to which the summons ad respondendum is made returnable and after such summons has been duly served, then in that event, judgment shall, upon the day succeeding the second rule day after the service of the summons, be entered plaintiff, together with the costs which may have

accrued in such case.

Sec. 5. When the defendant has filed his appearance, as provided for in Section 4, he shall have until the succeeding rule day after the filing of such appearance in which to file his denial of the cause of action, under oath, and should the defendant not file a written denial under oath of plaintiff's claim, prior to said rule day, then judgment shall be entered against him for the amount claimed by the plaintiff, with the costs which have accrued in such case. And the defendant shall deposit into the Court such amount as he avers that he owes the claimant.

Sec. 6. The defendant's denial of plaintiff's claim shall be in the following form, to wit: Terms of the Circuit Court in and for the Fifth Personally appeared before me, the Justice of the Peace in and for the. that he has read the itemized sworn statement of day of .... A D

debted to the plaintiff in the sum alleged, but is indebted to the plaintiff in the sum of ..... Sworn to and subscribed before me this the . . . day of ....., A. D. ....

Justice of the Peace. Sec. 7. The sworn statement of the account as aforesaid, and the denial of the obligation as aforesaid, shall constitute all the necessary pleadings, and the case shall thereupon he considered at issue and the next trial term day after the filing of said denial shall be the trial day for said cause, and all such trials may be had before the Justice of the Peace without a jury, unless one of the parties to the action demands a jury trial in which event the party demanding the jury trial shall deposit sufficient costs to pay the jury, and a jury of six good and lawful men shall be summoned from the body of the county, returnable instanter, to try

the issue between the parties.

Sec. 8. Should the defendant aver in his denial that he owes the plaintiff a sum of money less than the sum claimed by plaintiff and deposits the same in court, and the verdict upon the trial of said cause should be that the defendant is in-debted to plaintiff in the sum in which the defendant avers that he is indebted to plaintiff or a less amount, then in that event plaintiff shall have judgment against the defendant for the amount found in the verdict, but the costs which have accrued in said cause shall be taxed against the plaintiff, and should defendant deny in full plaintiff's claim, and the verdict be for the defendant, then the costs shall be taxed against the plaintiff; otherwise, the judgment shall be for the amount named in the verdict in favor of the plaintiff against the defendant, together with the costs

which have accrued in said cause. Sec. 9. Upon a trial in Justice of the Peace Court upon papers filed and hereinbefore mentioned, any matter or thing going to the merits of the contention between the parties which would be admissible in evidence under any other rules of pleadings, under the laws of Florida, shall be admitted in evidence. Sec. 10. Upon judgment being entered in any cause, execution shall thereupon be issued against the party against whom judgment is rendered, for the amount of such judgment and costs, and such

execution shall be served by the executive officer of the Court issuing the same. Sec. 11. In all other suits in Justice of the Peace Courts based upon causes of action not numerated in Section 2, the rules of pleadings and practice governing the Circuit Courts of the State of Florida shall prevail and be enforced, except that there shall be two rule days in each

month, as is provided in Section r of this Act. Sec. 12. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 13. This Act shall go into effect immediately upon its passage and approval by the Gov-

#### Approved June 8, 1909. CHAPTER 5923-(NO. 54).

tence to Fine in Justice of the Peace Courts and County Judge's Courts. Be it Enacted by the Legislature of the State of Florida:

AN ACT to Provide for Stay of Execution of Sen-

Section 1. Persons convicted of crime in the Justice of the Peace Courts or the County Judge's Court, who shall have a pecuniary fine or sum of money assessed or adjudged against them as punishment, shall have the right on being taken into custody by the proper officer of the court, or prior to such arrest, any time within five days from the time he is sentenced to pay the said fine and cost or give the bail for the payment of such fine and Section 1. That the Judge of the Sixth Judicial Circuit be allowed the sum of one hundred cost of prosecution as provided in Section 4018 of the General Statutes of the State of Florida, and such persons convicted in the Justice or County Judge's Court, shall not be transferred or turned clerical aid in the discharge of his duties; said sum

over to the Convict lesses or other persons working the County prisoners until the expiration of five days from the day such person was sentenced Sec. 2. That this Act shall become operative upon its passage and approval by the Governor.
Approved June 8, 1909.